

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 359 of 1999.

Wednesday this the 24th day of March, 1999.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

P. Venukumar,
Extra Departmental Packer/
Mail Carrier, Pangode,
Trivandrum. .. Applicant

(By Advocate Shri Sasidharan Chempazhanthiyil)

Vs.

1. Assistant Superintendent of
Post Offices, Trivandrum Central
Sub Division, Trivandrum.
2. Senior Superintendent,
(North) Postal Division,
Trivandrum. .. Respondent

(By Advocate Shri T.C. Krishna, ACGSC)

The application having been heard on 24th March 1999,
the Tribunal on the same day delivered the following:

O R D E R

The applicant who is presently working as Extra
Departmental Packer/Mail Carrier, Pangode, coming to know
that a vacancy has arisen in the post of Extra Departmental
Delivery Agent (EDDA for short), Kodithookiyakunnu, submitted
a representation (A-3) dated 23.1.99 for considering him to
that post on transfer but understanding that in the meanwhile,
respondents have initiated process for selection and
appointment to that post by notifying the vacancy vide its
notification dated 22.1.99(A2), has filed this application
seeking to have the A-2 notification set aside, for a declara-
tion that he is entitled to be transferred/shifted as EDDA,
Kodithookiyakunnu and to direct the first respondent to
consider his appointment by such transfer. He has also prayed

~~as~~ in the alternative that the respondents may be directed to consider the A-3 representation keeping the recruitment process initiated under A-2 in abeyance till the disposal of the representation. The applicant has placed reliance on a recent decision of this Bench in O.A.45/98 wherein it was held that it is permissible to transfer an ED Agent to another post if he is qualified and eligible to hold that post.

2. When the application came up for hearing today, the learned counsel on either side agreed that the application may be disposed of directing the first respondent to consider the A-3 representation keeping in view the decision of the Tribunal in O.A. 45/98 and other rules and instructions on the subject and give the applicant an appropriate order within a reasonable time and that till such an order is served on the applicant regular appointment to the post in question shall not be made.

3. In the light of the above submission made by the learned counsel on either side, the application is disposed of directing the first respondent to consider the A-3 representation submitted by the applicant in the light of the decision of the Tribunal in O.A. 45/98 and the rules and instructions on the subject and to give the applicant an appropriate order within a period of one month from the date of receipt of a copy of this order. It is also directed that the regular appointment to the post of EDDA, Kodithookiyakunnu shall not be made till the order is communicated to the applicant. No costs.

Dated this the 24th March, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures in the order:

1. Annexure A-3: True copy of the representation dated 23.1.99 submitted by the applicant to the first respondent.
2. Annexure A2: True copy of the Notification No. DA/K.T. Kunnu dated 22.1.99 issued by the first respondent.